

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MICHAEL FOSTER,	:	Case No. 1:04CV1032
	:	
Plaintiff,	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	
GERALD T. McFAUL, <i>et al.</i> ,	:	<u>ORDER</u>
	:	
Defendants.	:	

On May 3, 2005, the Court conducted a Case Management Conference (“CMC”). *Pro se* Plaintiff appeared by phone. Defendants appeared in person through counsel. At the CMC, in addition to the various administrative items set forth in the Court’s Case Management Plan, the Court addressed several pending motions. In summary, the Court’s disposition of those motions is as follows:

- Plaintiff’s *Motion for Leave to Amend/Supplement the Complaint* (Doc. 29) is **DENIED** based on the applicable statute of limitations.
- Plaintiff’s *Motion for Summary Judgment Against Defendants McFaul and McDonough* (Doc. 32), *Motion to Compel and for Sanctions and for Attorney Fees* (Doc. 41) and *Motion to Compel Discovery* (Doc. 50) are all premised on Plaintiff’s mistaken belief that Defendants have not timely complied with Plaintiff’s discovery requests.

Pursuant to the Court's various orders granting Defendants' motions for extensions of time, and Defendants' subsequent timely responses to Plaintiff's requests, the Court finds Defendants to be in compliance with their discovery obligations. Accordingly, the foregoing motions are **DENIED**.

- As noted by the Court at the CMC, Defendants are **ORDERED** to have a transcript of Plaintiff's Protective Custody Hearing prepared and submitted to the Court by **May 30, 2005**. Upon Plaintiff's request, Defendants shall also provide a copy of both the transcript and the audio tape of the hearing to Plaintiff.<sup>1</sup>

**IT IS SO ORDERED.**

s/Kathleen M. O'Malley  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**Dated: May 4, 2005**

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<sup>1</sup> At the CMC, Defendants' counsel indicated that she had an audio tape of the hearing.